

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**RONALD SHAVER, WILLIAM J.  
WHITNEY, JOE FEDELE, RALPH  
RIBERICH and ANTHONY P. KANZ,**  
on behalf of themselves and others  
similarly situated,

Plaintiffs,

vs.

**SIEMENS CORPORATION, and  
SIEMENS WESTINGHOUSE  
RETIREMENT PLAN FOR UNION  
EMPLOYEES, and SIEMENS  
WESTINGHOUSE RETIREMENT  
PLAN,**

Defendants.

2:02cv1424  
Electronic Filing

Judge David S. Cercone

**MEMORANDUM ORDER**

AND NOW, this 22<sup>nd</sup> day of February, 2012, upon due consideration of plaintiffs' motion to reduce the costs taxed by the Clerk of Court on May 1<sup>st</sup> 2012, IT IS ORDERED that the motion be, and the same hereby is, denied.

First, plaintiffs have waived any right to seek review of the Clerk's taxing of costs. On April 16, 2012, the Clerk mailed a bill of cost to counsel notifying plaintiffs they had 14 days to file objections thereto. The letter informed plaintiffs: **"Failure to file any objections will be deemed to have consented to the Bill of Cost."** Plaintiffs failed to present the Clerk with any objections. Accordingly, plaintiff consented to the Bill of Cost and have waived the opportunity to dispute the amount taxed.

Second, assuming for the sake of argument that plaintiffs have not waived the opportunity to dispute the amount taxed, the cost of the depositions reasonably were necessary to the

presentation of defendants' motion for summary judgment. See Altman v. Bobcat Co., CIV.A. 05-956, 2008 WL 2890707, \*3 (W.D. Pa. July 23, 2008) (costs can include depositions that were reasonably necessary at the time of taking); Fitchett v. Stroehmann Bakeries, 1996 U.S. Dist. LEXIS 1168, \*9 (E.D. Pa. February 1, 1996) (“depositions used in support of a motion for summary judgment are necessarily obtained in a case.”). The record reflects that the depositions were utilized in the presentation and resolution of defendants' motion. See e.g. Doc. No.s 80, 82 & 85.

s/ David Stewart Cercone  
David S. Cercone  
United States District Judge

cc: All counsel of record

(Via CM/ECF Electronic Filing)